

White, Candace

From: Jones, Enesta
Sent: Tuesday, August 13, 2013 1:10 PM
To: White, Candace
Cc: Jones, Enesta
Subject: EPA HQ 2013-008047

From: ryan.mcneill@thomsonreuters.com [<mailto:ryan.mcneill@thomsonreuters.com>]
Sent: Tuesday, June 11, 2013 1:41 PM
To: Jones, Enesta
Cc: Johnson, Alisha; Kika, Stacy; Cohen, David
Subject: RE: ACTION: Reuters and ECHO

Yes. It's a follow-up.

From: Jones, Enesta [<mailto:Jones.Enesta@epa.gov>]
Sent: Tuesday, June 11, 2013 1:40 PM
To: McNeill, Ryan A. (Reuters)
Cc: Johnson, Alisha; Kika, Stacy; Cohen, David
Subject: Re: ACTION: Reuters and ECHO

Ryan,

So we are all clear, is this related to the West, Texas, explosion? I suspect, but want to be sure this is a follow-up piece.

Enesta Jones
Press Office
U.S. Environmental Protection Agency
Desk: 202.564.7873
Cell: 202.236.2426

From: ryan.mcneill@thomsonreuters.com
Sent: Tuesday, June 11, 2013 1:37:44 PM
To: Jones, Enesta
Cc: Johnson, Alisha; Kika, Stacy; Cohen, David
Subject: RE: ACTION: Reuters and ECHO

Hi,

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Ryan,

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From: Kika, Stacy
Sent: Tuesday, June 11, 2013 2:13 PM
To: Jones, Enesta
Cc: Cohen, David; Johnson, Alisha
Subject: RE: ACTION: Reuters and ECHO

Yep. On it.

~~~~~  
Stacy Kika  
U.S. Environmental Protection Agency  
Office of Media Relations  
Email: [kika.stacy@epa.gov](mailto:kika.stacy@epa.gov)  
Desk: 202.564.0906  
EPA news releases on Twitter: <http://twitter.com/epanews>

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**Sent:** Tuesday, June 11, 2013 2:13 PM  
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Stacy,  
If you haven't already, can you check with OECA on his request? Thanks.

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**From:** [ryan.mcneill@thomsonreuters.com](mailto:ryan.mcneill@thomsonreuters.com)  
**Sent:** Tuesday, June 11, 2013 1:40:45 PM  
**To:** Jones, Enesta  
**Cc:** Johnson, Alisha; Kika, Stacy; Cohen, David  
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**Sent:** Tuesday, August 13, 2013 1:09 PM  
**To:** White, Candace  
**Cc:** Jones, Enesta  
**Subject:** EPA HQ 2013-008047

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**From:** Kika, Stacy  
**Sent:** Tuesday, June 11, 2013 4:49 PM  
**To:** Jones, Enesta  
**Cc:** Cohen, David; Johnson, Alisha  
**Subject:** RE: ACTION: Reuters and ECHO

Response from OECA.

*Question: What I'm trying to do is find whether it is possible to identify EPCRA enforcement actions through ECHO or another EPA data source.*





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EPA news releases on Twitter: <http://twitter.com/epanews>

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**From:** Jones, Enesta  
**Sent:** Tuesday, June 11, 2013 2:15 PM  
**To:** Kika, Stacy  
**Cc:** Cohen, David; Johnson, Alisha  
**Subject:** Re: ACTION: Reuters and ECHO

Awesome.

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U.S. Environmental Protection Agency  
Desk: 202.564.7873  
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**From:** Kika, Stacy  
**Sent:** Tuesday, June 11, 2013 2:13:29 PM  
**To:** Jones, Enesta  
**Cc:** Cohen, David; Johnson, Alisha  
**Subject:** RE: ACTION: Reuters and ECHO

Yep. On it.

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To: White, Candace
Cc: Jones, Enesta
Subject: EPA HQ 2013-008047

From: Jones, Enesta
Sent: Tuesday, June 11, 2013 4:58 PM
To: Jones, Enesta; Kika, Stacy; Johnson, Alisha; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline
Subject: KIWI: Media Inquiries for West, Texas -- 5 p.m. Report

6/11/13 – 5 p.m. Report

OPEN INQUIRIES

1. Reuters

REPORTER: Ryan McNeill, ryan.mcneill@thomsonreuters.com, 646.223.7446

REPORTER REQUEST

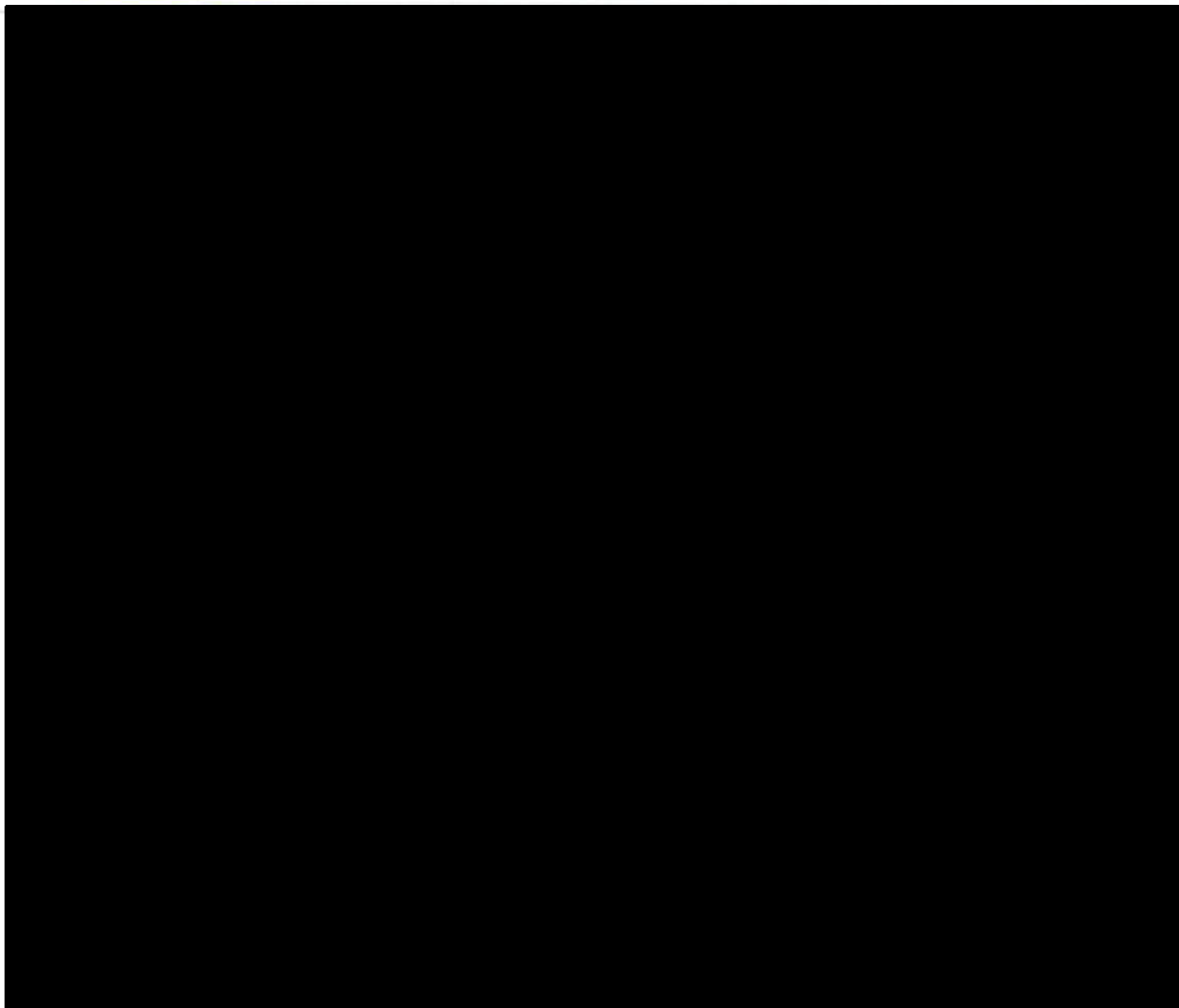
#1: What I'm trying to do is find whether it is possible to identify EPCRA enforcement actions through ECHO or another EPA data source.

#2: Also, can any of you help me obtain copies of RMP data provided to the Center for Effective Government?

STATUS:

From OECA on #1:





Checking with OSWER on #2.

2. KTVT CBS-11

REPORTER: Jack Fink, jackf@ktvt.com, 469.585.6907

REPORTER REQUEST

I'm just checking to see if EPA sent its responses yet to Senator Boxer. If so, I'd like to receive a copy of that. I appreciate your help.

STATUS

[Redacted status information]

[Redacted information]

3. Inside EPA

REPORTER: David Reynolds, dreynolds@iwpnews.com, 703.416.8541

REPORTER REQUEST

Has EPA responded to the senator's inquiry and if so, is it possible to receive a copy of the response?

STATUS: [REDACTED]

CLOSED INQUIRIES

3. 5 Eyewitness News (St. Paul, Minnesota)

REPORTER: Erik Altmann, ealtmann@kstp.com, 651.642.4412

REPORTER REQUEST

Erik Altmann with KSTP Channel 5 Eyewitness News, the ABC affiliate based out of the Twin Cities. Appreciate you taking my phone call just now. I've been doing some data analysis based off the EPA's "risk management" database that was released publicly last year, and I had a quick question in connection to that database.

-Some of the facilities on that list fall under EPCRA Section 302 for having "extremely hazardous substances." Are facilities that fall under this category required by federal law to be inspected by some form of government agency or private inspector? If so, how often? Are there any requirements that they have inspections done by state-level agencies?

I have no deadline on this, but would like to get an answer within two days, if possible. Please let me know if you have any questions.

Enesta Jones sent the following response to the reporter on 6/11:

Under the Emergency Planning and Community Right-to-Know Act (EPCRA), there are two sections under which information is provided to state and local emergency planning authorities but not to the EPA. Those sections are section 302 of the Emergency Planning and Notification Subtitle and sections 311/312 within the Community Right-to-Know Reporting Requirements Subtitle. Under section 302, a facility that has an Extremely Hazardous Substance (EHS) on-site at or above its Threshold Planning Quantity (TPQ) must notify the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC), as well as participate in local emergency planning activities. That list of chemicals is found here:

<http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol29/pdf/CFR-2012-title40-vol29-part355->

[appA.pdf](#) (alphabetical order) or <http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol29/pdf/CFR-2012-title40-vol29-part355-appB.pdf> (CAS No. order).

Sections 311/312 establish the community right-to-know requirements in order to ensure information on chemicals in the community is provided to help communities prepare for and respond to chemical accidents. Under these sections, facilities that have either: (1) a hazardous chemical present at or above 10,000 pounds; or (2) an EHS present at or above its TPQ or 500 pounds—whichever is the lesser, are required to submit an Emergency and Hazardous Chemical Inventory form (Tier II) and a Material Safety Data Sheet (MSDS) for that chemical to their SERC, LEPC, and local fire department. A chemical is hazardous if defined as such under the Hazard Communication Standard (HCS) of the Occupational Safety and Health Act. If a facility is required by the Occupational and Safety Administration (OSHA) to develop and/or maintain a MSDS for that chemical and it is present at or above the threshold discussed above, it must be reported

With our existing resources, the EPA inspects, under EPCRA, approximately 500 RMP facilities each year in 42 states and 3 territories, including approximately 150 high-risk facilities. The EPA has delegated authority to implement the Section 112(r) Risk Management Program to 8 states (Ohio, Delaware, New Jersey, North Carolina, South Carolina, Florida, Georgia, and Mississippi) and 5 counties (Forsyth, NC, Buncombe, NC, Mecklenburg, NC, Jefferson, KY, and Allegheny, PA). State or local implementing agency officials conduct inspections at RMP facilities within these delegated jurisdictions, while the EPA officials conduct RMP inspections in all remaining states, territories, and tribal lands. High risk facilities are identified using the RMP National Database and include facilities that have had serious accidental releases of regulated substances, facilities that have more than 100,000 people in their worst-case release scenario zone, and facilities that have extremely large quantities or numbers of regulated substances on site. High risk facilities receive a higher inspection priority than other RMP facilities and the EPA devotes more inspection resources (i.e., people and time) to high-risk facility inspections.

DEADLINE: 6/6

4. Reuters

REPORTER: Michael Pell, michael.pell@thomsonreuters.com, 646-223-6997

REPORTER REQUEST:

I would like to know if each EPA Region has different interpretations of the TierII reporting requirement? If so, what are the requirements for facilities within each region? I would appreciate the opportunity to discuss this with someone, even on background would just be a huge help.

Additional information:

I have been told that EPA Region 5 is requiring companies that store hazardous chemicals to break down mixtures by chemicals. So for example ammonium nitrate urea, would have one record for ammonium nitrate and one for urea. I was told by a fertilizer industry representative that companies that do not break down their reports in this fashion have been fined. I don't know if

Region 5 has really required companies to report in this fashion or if they have ever fined companies that did not, but I would like to know if there is such a requirement in Region 5 and I would like to know if other regions do not have that same standard. I would also like to know if there are any other differences in interpretations from region to region. **Today, 6/5, reporter asks how often do we inspect RMP facilities.**

Enesta sent the following responses to the reporter on 6/11:

Regions do not have different reporting requirements for EPCRA Section 312 Tier II reporting. EPCRA Section 312 require facilities to submit the Hazardous Chemical Inventory form (Tier II) for hazardous chemicals present on site at or above the reporting threshold. The reporting threshold is 10,000 pounds unless the chemical is an Extremely Hazardous Substance, in which case the reporting threshold is 500 pounds or its threshold planning quantity (TPQ), whichever is less. TPQs of EHSs are listed in 40 CFR part 355, Appendix A and B. The implementing regulations can be found at 40 CFR part 370. Hazardous chemical is defined by OSHA Hazardous Communication Standard.

With regards to the reporting of mixtures, the statute allows facilities to report mixtures by components or the mixture itself. EHSs are of special concern to emergency planning and response, therefore, if a facility has mixtures that contain an EHS, the facility must aggregate the amount of that EHS present in all mixtures and in pure form to determine if the reporting threshold for that EHS is met. If the reporting threshold for the EHS is met, then the facility can report either the mixture or report the EHS on the Tier II form.

If a facility has mixtures that contain a non-EHS, then the facility can either aggregate the amount of that non-EHS present in all mixtures or add the total amount of all similar mixtures. Then the facility can report each non-EHS component or the mixture itself.

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Sent: Tuesday, August 13, 2013 1:07 PM
To: White, Candace
Cc: Jones, Enesta
Subject: EPA HQ 2013 008047

From: Cohen, Nancy
Sent: Tuesday, June 11, 2013 6:51 PM
To: Jones, Enesta; Deitz, Randy; Bassler, Rachel; Minter, Marsha
Subject: Re: ACTION: Reuters and ECHO and EPCRA

Enesta: is there a deadline? Nancy

From: Jones, Enesta
Sent: Tuesday, June 11, 2013 1:48:40 PM
To: Cohen, Nancy; Deitz, Randy; Bassler, Rachel; Minter, Marsha
Subject: ACTION: Reuters and ECHO and EPCRA

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OEM says this Q needs to be redirected to OECA.

From: Jones, Enesta
Sent: Tuesday, June 11, 2013 6:51:50 PM
To: Cohen, Nancy; Deitz, Randy; Bassler, Rachel; Minter, Marsha
Subject: Re: ACTION: Reuters and ECHO and EPCRA

Tomorrow COB.

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From: Cohen, Nancy
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I thought the question below was for OSWER. OEM said it is for OECA. Can you check -- thanks.

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